

**4084. Misbranding of compound vanilla flavor and extract lemon. U. S. v. Wadhams & Co.**  
**Plea of guilty. Fine, \$10.** (F. & D. No. 5814. I. S. Nos. 10511-e, 10512-e.)

At the July, 1915, term of the District Court of the United States for the District of Oregon, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said district court an information against Wadhams & Co., a corporation, Portland, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 16, 1913, from the State of Oregon into the State of Washington, of quantities of compound vanilla flavor and extract lemon which were misbranded. The compound vanilla flavor was labeled: (On carton) "Wadco Brand Compound Vanilla Flavor Made from Vanillin, Coumarin and Vanilla Beans. Colored with Caramel. Manufactured by Wadhams & Co. Incorporated Portland, Ore." (On side) "Wadco Brand Flavoring Extracts." (On flap) "Vanilla." (On bottle, blown in side) "2 Oz. Full Measure." (On label) "Wadco Compound Vanilla Flavor Made from Vanillin, Coumarin and Vanilla Beans Colored with Caramel, Manufactured by Wadhams & Co. Inc. Portland Ore."

Examination of samples of this product by the Bureau of Chemistry of this department showed the average content of eight bottles to be 1.89 fluid ounces, an average shortage of 0.11 fluid ounce, or 5.5 per cent.

Misbranding of this article was alleged in the information for the reason that the statement, to wit, "2 Oz. Full Measure," blown on [in] the bottle containing the article, was false and misleading in that it purported and represented said bottle to contain 2 fluid ounces full measure, whereas, in truth and in fact, said bottle did not contain 2 fluid ounces full measure but contained less than 2 fluid ounces. Misbranding was alleged for the further reason that the article was branded on the bottle thereof "2 Oz. Full Measure" so as to deceive and mislead the purchaser into the belief that said bottle contained 2 fluid ounces full measure, whereas, in truth and in fact, said bottle did not contain 2 fluid ounces full measure but contained less than 2 fluid ounces.

The extract lemon was labeled: (On carton) "Diamond W Extract Lemon Manufactured by Wadhams & Co. Inc. Portland, Oregon." (On flap at one end) "Lemon." (On flap at other end) "Two Ounces W Full Measure." (On label) "Diamond W Extract Lemon Manufactured by Wadhams & Co. Inc., Portland, Ore."

Examination of samples of this product by the said Bureau of Chemistry showed the average content of eight bottles to be 1.87 fluid ounces, an average shortage of 0.13 fluid ounce, or 6.5 per cent; the bottles were not quite full to the neck; there was room enough to have added the shortage so that the bottles would have been full measure.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Two Ounces W Full Measure," borne on the cartons containing the bottles, and the statement, to wit, "2 Oz. Full Measure," blown on [in] the bottles which contained the article when shipped and delivered for shipment as aforesaid, were false and misleading in that they purported and represented that each of said bottles contained 2 fluid ounces full measure, whereas, in truth and in fact, each of said bottles did not contain 2 fluid ounces full measure but contained less than 2 fluid ounces. Misbranding was alleged for the further reason that the article was labeled on the cartons thereof "Two Ounces W Full Measure" and branded on the bottles thereof "2 Oz. Full Measure" so as to deceive and mislead the purchaser into the belief that each of said bottles contained 2 fluid ounces full measure, whereas, in truth and in fact, each of said bottles did not contain 2 fluid ounces full measure but contained less than 2 fluid ounces.

On September 14, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., December 1, 1915.